

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

CUSTOM MEDIA TECHNOLOGIES LLC,)	
)	
Plaintiff,)	
)	
v.)	
)	C.A. No. 13-1422 LPS
COX COMMUNICATIONS, INC.,)	
)	JURY TRIAL DEMANDED
Defendant.)	
)	
)	

FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Custom Media Technologies LLC (“Custom Media”) hereby brings this action against Cox Communications, Inc. (“Cox Communications”) for infringement of United States Patent No. 6,269,275 (“the ’275 patent”) and alleges as follows:

NATURE OF THE ACTION AND PARTIES

1. This is an action for patent infringement arising under the patent laws of the United States.
2. Custom Media is a limited liability company organized and existing under the laws of the State of Delaware with its principal place of business at One Commerce Center, 1201 Orange Street, Suite 600, Wilmington, Delaware.
3. On information and belief, Cox Communications is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business in Atlanta, Georgia. Cox Communications can be served via its registered agent, Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808.

JURISDICTION

4. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a), as this is an action arising under the Patent Act, 35 U.S.C. § 1 *et seq.*

VENUE

5. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391(b), 1391(c), 1391(d), and 1400(b).

FACTUAL BACKGROUND

6. The '275 patent is entitled "Method and System For Customizing and Distributing Presentations For User Sites." A copy of the '275 patent is attached hereto as Exhibit A.

7. The invention of the '275 patent generally relates to customizing and distributing presentations for user sites over networks for utilization on demand; the presentations including audio, video, or textual elements. Examples of networks include a cable television network, an Internet or other computer network, a broadcast television network, and/or a satellite system.

8. The application that issued as the '275 patent was filed on March 31, 1998, and the United States Patent and Trademark Office duly and legally issued the '275 patent on July 31, 2001.

COUNT I (INFRINGEMENT OF U.S. PATENT NO. 6,269,275)

9. Custom Media realleges and incorporates by reference the allegations of paragraphs 1-8.

10. Custom Media owns all right, title, and interest in the '275 patent, including the right to recover damages for infringement throughout the period of the infringement complained of herein.

11. Cox Communications has infringed the '275 patent by using a method and system of customizing and distributing presentations for user sites that directly infringes at least Claim 1 of the '275 patent either literally or under the doctrine of equivalents. Cox Communications infringement includes, but is not limited to, its provision of DVR devices and DVR service to its cable television customers.

JURY DEMAND

Custom Media requests a trial by jury for all issues so triable.

PRAYER FOR RELIEF

Custom Media prays for relief as follows:

1. Judgment that Cox Communications has infringed the '275 patent as alleged herein;
2. Compensatory damages in an amount according to proof, and in no event less than a reasonable royalty;
3. Prejudgment interest on the compensatory damages awarded to Custom Media;
4. Post-judgment interest on all sums awarded to Custom Media from the date of judgment;
5. A preliminary and permanent injunction forbidding Cox Communications and its officers, agents, servants, employees, and attorneys, and all those in active concert or participation with them, from further infringing the '275 patent;
6. Costs of suit incurred herein; and
7. Any and all other relief that the Court deems just and equitable.

Dated: October 7, 2013

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